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Burbank Police Department Officer Gunn  
8

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 PRESTON SMITH, an individual;

13 Plaintiff,

14 vs.  
15

16 CITY OF BURBANK; BURBANK  
17 POLICE DEPARTMENT;  
BURBANK POLICE DEPARTMENT  
18 OFFICER GUNN; BURBANK  
POLICE DEPARTMENT OFFICER  
19 BAUMGARTEN; BURBANK  
POLICE DEPARTMENT OFFICER  
20 EDWARDS; AND DOES 1  
THROUGH 100, INCLUSIVE  
21

22 Defendants.  
23

Case No. CV 10-8840 VBF (AGRx)

Honorable Valerie Baker Fairbank

**ORDER STAYING THE CASE,  
VACATING THE TRIAL, AND  
VACATING ALL PRE-TRIAL  
DATES**

Trial Date: November 8, 2011  
Time: 8:30 a.m.  
Courtroom: 9

24 TO THE CLERK OF THE COURT, ALL INTERESTED PARTIES AND  
25 THEIR ATTORNEYS OF RECORD:

26 Pursuant to the parties' Stipulation for an Order Staying the Case, Vacating  
27 the Trial, and Vacating all Pre-trial Dates, IT IS HEREBY ORDERED THAT:  
28

1           1.     All trial and pre-trial dates in this matter are hereby vacated.

2           2.     This matter is stayed [in its entirety] [with the exception of  
3 proceedings related to paragraph 4 of this Order].

4           3.     The parties shall submit a Joint Status Report to this Court by May  
5 16, 2011 advising the Court as to whether the investigation being conducted by  
6 the Los Angeles Sheriff's Department has been completed. The parties will  
7 further submit Joint Status Reports every 60 days thereafter until the investigation  
8 being conducted by the Los Angeles Sheriff's Department has been completed.

9           4.     Defendants are permitted to file motions pursuant to Rule 12(c) of  
10 the Federal Rules of Civil Procedure, focused on whether Plaintiff's claims are  
11 barred by his conviction for violating California Penal Code § 148(a)(1) under the  
12 doctrine set forth in *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364 (1994),  
13 hereinafter "the *Heck* motions". The *Heck* motions shall be heard on May 16,  
14 2011.

15  
16                                   IT IS SO ORDERED:

17  
18  
19 Dated: March 1, 2011



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Hon. Valerie Baker Fairbank  
United States District Judge